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1 A bill to be entitled

2 An act relating to charter schools; creating s. 1002.335,
3 F.S.; providing findings and intent; establishing the
4 Florida Schools of Excellence Commission as a charter
5 school authorizing entity; providing for startup funds;
6 providing for membership of the commission; providing
7 powers and duties of the commission, including serving as
8 a sponsor of charter schools, approving certain entities
9 to act as cosponsors, approving or denying applications
10 for Florida Schools of Excellence (FSE) charter schools,
11 and developing standards for and evaluating the
12 performance of charter schools; requiring collaboration
13 with municipalities, state universities, community
14 colleges, and regional educational consortia as cosponsors
15 for FSE charter schools; providing requirements for
16 approval of cosponsors by the commission; providing
17 components of required cosponsor agreements; providing
18 causes for revocation of approval of a cosponsor;
19 providing for FSE charter school application and review
20 procedures; authorizing existing charter schools to apply
21 as FSE charter schools; providing for application of
22 specified provisions of law; requiring access to
23 information by parents; requiring the commission to submit
24 an annual report; requiring rulemaking; amending s.
25 1002.33, F.S.; providing requirements with respect to the
26 right to appeal a charter school application denial;
27 revising provisions relating to reporting of charter
28 school student enrollment for purposes of funding;
29 revising requirements relating to charter school

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30 facilities created to mitigate certain educational impact;
31 providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Section 1002.335, Florida Statutes, is created
36 to read:

37 1002.335 Florida Schools of Excellence Commission.--

38 (1) FINDINGS.--The Legislature finds that:

39 (a) Charter schools are a critical component in the state's
40 efforts to provide efficient and high-quality schools within the
41 state's uniform system of public education.

42 (b) Charter schools provide valuable educational options
43 and innovative learning opportunities while expanding the
44 capacity of the state's system of public education and empowering
45 parents with the ability to make choices that best fit the
46 individual needs of their children.

47 (c) The growth of charter schools in the state has
48 contributed to enhanced student performance, greater efficiency,
49 and the improvement of all public schools.

50 (d) The greatest challenges to the continued development
51 and success of uniform high-quality charter schools are
52 administrative issues, accountability issues, and a lack of
53 sufficient communication and support from sponsors.

54 (2) INTENT.--It is the intent of the Legislature that:

55 (a) A new, independent state-level commission whose primary
56 focus is the development and support of charter schools can
57 better meet the growing and diverse needs of some of the
58 increasing number and array of charter schools in the state and

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59 can further ensure that charter schools of the highest academic
60 quality are approved and supported throughout the state in an
61 efficient manner.

62 (b) New sources of community support in the form of
63 municipalities with knowledge of the unique needs of a particular
64 community or state universities, community colleges, or regional
65 educational consortia with special education expertise should be
66 authorized to participate in developing and supporting charter
67 schools that maximize access to a wide variety of high-quality
68 educational options for all students regardless of disability,
69 race, or socioeconomic status.

70 (3) FLORIDA SCHOOLS OF EXCELLENCE COMMISSION.--

71 (a) The Florida Schools of Excellence Commission is
72 established as an independent, state-level charter school
73 authorizing entity working in collaboration with the Department
74 of Education and under the supervision of the State Board of
75 Education. Startup funds necessary to establish and operate the
76 commission may be received through private contributions and
77 federal and other institutional grants through the Grants and
78 Donations Trust Fund and the Educational Aids Trust Fund housed
79 within the department in addition to funds provided in the
80 General Appropriations Act. The department shall assist in
81 securing federal and other institutional grant funds to establish
82 the commission.

83 (b) The commission shall be composed of two members
84 appointed by the President of the Senate, two members appointed
85 by the Speaker of the House of Representatives, and three members
86 appointed by the Governor. The appointments shall be made as soon
87 as feasible, but no later than September 1, 2006. Each member

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88 shall serve a term of 2 years; however, for the purpose of
89 providing staggered terms, of the initial appointments, three
90 members shall be appointed to 1-year terms and four members shall
91 be appointed to 2-year terms. Thereafter, each appointee shall
92 serve a 2-year term unless the State Board of Education, after
93 review, extends the appointment. If a vacancy occurs on the
94 commission, it shall be filled by the State Board of Education
95 from a recommendation by the appropriate appointing authority
96 according to the structure set forth in this paragraph. The
97 members of the commission shall annually vote to appoint a chair
98 and a vice-chair.

99 (c) The commission is encouraged to convene its first
100 meeting no later than October 1, 2006, and, thereafter, shall
101 meet each month at the call of the chair or upon the request of
102 four members of the commission. Four members of the commission
103 shall constitute a quorum.

104 (d) The commission shall appoint an executive director who
105 shall employ such staff as is necessary to perform the
106 administrative duties and responsibilities of the commission.

107 (e) The members of the commission shall not be compensated
108 for their services on the commission, but may be reimbursed for
109 per diem and travel expenses pursuant to s. 112.061.

110 (4) POWERS AND DUTIES.--

111 (a) The commission shall have the power to:

112 1. Authorize and act as a sponsor of charter schools,
113 including the approval and denial of charter school applications
114 pursuant to subsection (8) and the nonrenewal or termination of
115 charter schools pursuant to s. 1002.33(8).

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116 2. Authorize municipalities, state universities, community
117 colleges, and regional educational consortia to act as cosponsors
118 of charter schools, including the approval and denial of
119 cosponsor applications pursuant to State Board of Education rule
120 and subsection (5) and the nonrenewal or termination of
121 cosponsors pursuant to State Board of Education rule and the
122 provisions of subsection (7).

123 3. Approve or deny Florida Schools of Excellence (FSE)
124 charter school applications and renew or terminate charters of
125 FSE charter schools.

126 (b) The commission shall have the following duties:

127 1. Review charter school applications and assist in the
128 establishment of Florida Schools of Excellence (FSE) charter
129 schools throughout the state. An FSE charter school shall exist
130 as a public school within the state as a component of the
131 delivery of public education within Florida's K-20 education
132 system.

133 2. Develop, promote, and disseminate best practices for
134 charter schools and charter school sponsors in order to ensure
135 that high-quality charter schools are developed and incentivized.
136 At a minimum, the standards shall encourage the development and
137 replication of academically and financially proven charter school
138 programs.

139 3. Develop, promote, and require high standards of
140 accountability for any school that applies and is granted a
141 charter under this section.

142 4. Monitor and annually review and evaluate the performance
143 of the charter schools it sponsors and hold the schools
144 accountable for their performance.

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145 5. Report the student enrollment in each of its sponsored
146 charter schools to the district school board of the county in
147 which the school is located.

148 6. Work with its cosponsors to monitor the financial
149 management of each FSE charter school.

150 7. Direct charter schools and persons seeking to establish
151 charter schools to sources of private funding and support.

152 8. Actively seek, with the assistance of the department,
153 supplemental revenue from federal grant funds, institutional
154 grant funds, and philanthropic organizations. The commission may,
155 through the department's Grants and Donations Trust Fund, receive
156 and expend gifts, grants, and donations of any kind from any
157 public or private entity to carry out the purposes of this
158 section.

159 9. Review and recommend to the Legislature any necessary
160 revisions to statutory requirements regarding the qualification
161 and approval of municipalities, state universities, community
162 colleges, and regional educational consortia as cosponsors for
163 FSE charter schools.

164 10. Review and recommend to the Legislature any necessary
165 revisions to statutory requirements regarding the standards for
166 accountability and criteria for nonrenewal or termination of
167 cosponsors of FSE charter schools.

168 11. Assist its cosponsors and FSE charter schools in
169 cooperating with district school boards to allow the charter
170 schools to utilize unused space within district public schools.

171 12. Collaborate with municipalities, state universities,
172 community colleges, and regional educational consortia as
173 cosponsors for FSE charter schools for the purpose of providing

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174 the highest level of public education to low-income, low-
175 performing, and underserved student populations.

176 a. Such collaborations shall allow state universities and
177 community colleges that cosponsor FSE charter schools to enable
178 students attending a charter school to take college courses and
179 receive high school and college credit for such courses.

180 b. Such collaborations shall be used to determine the
181 feasibility of opening charter schools for children with autism
182 that work with and utilize the specialized expertise of the
183 Centers for Autism and Related Disabilities established and
184 operated pursuant to s. 1004.55.

185 13. Support municipalities when the mayor or chief
186 executive, through resolution passed by the governing body of the
187 municipality, expresses an intent to cosponsor and establish
188 charter schools within the municipal boundaries.

189 14. Meet the needs of charter schools and school districts
190 by uniformly administering high-quality charter schools, thereby
191 removing administrative burdens from the school districts.

192 15. Work with school districts to assist them in
193 effectively providing administrative services to their charter
194 schools.

195 16. Perform all of the duties of sponsors set forth in s.
196 1002.33(5)(b) and (20).

197 (5) APPROVAL OF COSPONSORS.--

198 (a) The commission shall begin accepting applications by
199 municipalities, state universities, community colleges, and
200 regional educational consortia no later than January 31, 2007.
201 The commission shall have 90 days from receipt of an application

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202 under this paragraph to approve or deny the application unless
203 the 90-day period is waived by the applicant.

204 (b) The commission shall limit the number of charter
205 schools that a cosponsor may approve pursuant to its review of
206 the cosponsor's application under paragraph (c). Upon application
207 by the cosponsor and review by the commission of the performance
208 of a cosponsor's current charter schools, the commission may
209 approve a cosponsor's application to raise the limit previously
210 set by the commission.

211 (c) Any entity set forth in paragraph (a) that is
212 interested in becoming a cosponsor pursuant to this section shall
213 prepare and submit an application to the commission that provides
214 evidence that:

215 1. The entity has the necessary staff and infrastructure or
216 has set forth the necessary contractual or interagency
217 relationships to show that it is able to handle all of the
218 administrative responsibilities required of a charter school
219 sponsor as set forth in s. 1002.33(20).

220 2. The entity has the necessary staff expertise and
221 infrastructure or has set forth the necessary contractual or
222 interagency relationships to ensure that it will approve and is
223 able to develop and maintain charter schools of the highest
224 academic quality.

225 3. The entity has and is committed to providing and
226 pursuing the necessary public and private financial resources and
227 staff to ensure that it can monitor and support charter schools
228 that are economically efficient and fiscally sound.

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229 4. The entity is committed to providing equal access to all
230 students and to maintaining a diverse student population within
231 its charter schools.

232 5. The entity is committed to focusing on low-income, low-
233 performing, and underserved student populations.

234 6. The entity has articulated annual goals and expected
235 outcomes for its charter schools as well as the methods and plans
236 by which it will achieve those goals and outcomes.

237 7. The entity has policies in place to protect its
238 cosponsoring practices from conflicts of interest.

239 (d) The commission's decision to deny an application or to
240 revoke approval of a cosponsor pursuant to subsection (7) is not
241 subject to chapter 120 and may be appealed to the State Board of
242 Education pursuant to s. 1002.33(6).

243 (6) COSPONSOR AGREEMENT.--

244 (a) Upon approval of a cosponsor, the commission and its
245 cosponsor shall enter into an agreement that defines the
246 cosponsor's rights and obligations and includes the following:

247 1. An explanation of the personnel, contractual and
248 interagency relationships, and potential revenue sources
249 referenced in the application as required in paragraph (5)(c).

250 2. Incorporation of the requirements of equal access for
251 all students, including any plans necessary to provide
252 transportation reasonably necessary to provide access to as many
253 students as possible.

254 3. Incorporation of the requirement to focus on low-income,
255 low-performing, and underserved student populations.

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256 4. An explanation of the goals and expected outcomes for
257 the cosponsor's charter schools and the method and plans by which
258 they will be achieved as referenced in the application.

259 5. The conflict of interest policies referenced in the
260 application.

261 6. An explanation of the disposition of facilities and
262 assets upon termination and dissolution of a charter school
263 approved by the cosponsor.

264 7. A provision requiring the cosponsor to annually appear
265 before the commission and provide a report as to the information
266 provided pursuant to s. 1002.33(9)(1) for each of its charter
267 schools.

268 8. A provision requiring that the cosponsor report the
269 student enrollment in each of its sponsored charter schools to
270 the district school board of the county in which the school is
271 located.

272 9. A provision requiring that the cosponsor work with the
273 commission to provide the necessary reports to the State Board of
274 Education.

275 10. Any other reasonable terms deemed appropriate by the
276 commission given the unique characteristics of the cosponsor.

277 (b) No cosponsor may receive applications for charter
278 schools until a cosponsor agreement with the commission has been
279 approved and signed by the commission and the appropriate
280 individuals or governing bodies of the cosponsor.

281 (c) The cosponsor agreement shall be proposed and
282 negotiated pursuant to the timeframes set forth in s.
283 1002.33(6)(i).

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284 (d) The cosponsor agreement shall be attached to and shall
285 govern all charter school contracts entered into by the
286 cosponsor.

287 (7) CAUSES FOR REVOCATION OF APPROVAL OF A COSPONSOR.--If
288 at any time the commission finds that a cosponsor is not in
289 compliance, or is no longer willing to comply, with its contract
290 with a charter school or with its cosponsor agreement with the
291 commission, the commission shall provide notice and a hearing in
292 accordance with State Board of Education rule. If after a hearing
293 the commission confirms its initial finding, the commission shall
294 revoke the cosponsor's approval. The commission may assume
295 sponsorship over any charter schools sponsored by the cosponsor
296 at the time of revocation. Thereafter, the commission may assume
297 permanent sponsorship over such schools or may direct the
298 school's governing body to apply to another cosponsor or to the
299 appropriate district school board for sponsorship.

300 (8) CHARTER SCHOOL APPLICATION AND REVIEW.--Charter school
301 applications submitted to the commission or to a cosponsor
302 approved by the commission pursuant to subsection (5) shall be
303 subject to the same requirements set forth in s. 1002.33(6). The
304 commission or cosponsor shall receive and review all applications
305 for FSE charter schools according to the provisions of s.
306 1002.33(6)(b). All references to district school board in s.
307 1002.33(6)(b) shall refer to the commission or its cosponsors
308 that receive applications for review.

309 (9) APPLICATIONS OF EXISTING CHARTER SCHOOLS.--An
310 application for an FSE charter school may be submitted by an
311 existing charter school approved by a district school board. The
312 approval of an application from an existing charter school shall

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313 not relieve the charter school of any preexisting contractual
314 obligations to the district school board sponsor that authorized
315 the charter school except to the extent such obligations are
316 waived by the district school board sponsor. A charter school
317 that switches sponsors pursuant to this subsection shall be
318 allowed to continue the use of all facilities, equipment, and
319 other assets it owned or leased prior to the dissolution of its
320 contract with a district school board sponsor.

321 (10) APPLICATION OF CHARTER SCHOOL STATUTE.--The provisions
322 of s. 1002.33(7)-(12), (14), and (16)-(19) shall apply to the
323 commission, cosponsors, and charter schools approved pursuant to
324 this section.

325 (11) ACCESS TO INFORMATION.--The commission shall provide
326 maximum access to information to all parents in the state. It
327 shall maintain information systems, including, but not limited
328 to, a user-friendly Internet website, that will provide
329 information and data necessary for parents to make informed
330 decisions. At a minimum, the commission must provide parents with
331 information on its accountability standards, links to schools of
332 excellence throughout the state, and public education programs
333 available in the state.

334 (12) ANNUAL REPORT.--Each year the chair of the commission
335 shall appear before the State Board of Education and submit a
336 report regarding the academic performance and fiscal
337 responsibility of all charter schools and cosponsors approved
338 under this section.

339 (13) IMPLEMENTATION.--The State Board of Education shall
340 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
341 facilitate the implementation of this section.

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342 Section 2. Paragraphs (d), (e), (f), (g), and (h) of
343 subsection (6) of section 1002.33, Florida Statutes, are
344 redesignated as paragraphs (e), (f), (g), (h), and (i),
345 respectively, and a new paragraph (d) is added to that
346 subsection, and paragraph (a) of subsection (17) and paragraph
347 (f) of subsection (18) of that section are amended, to read:

348 1002.33 Charter schools.--

349 (6) APPLICATION PROCESS AND REVIEW.--Beginning September 1,
350 2003, applications are subject to the following requirements:

351 (d) The right to appeal an application denial under
352 paragraph (c) shall be contingent on the applicant having
353 submitted the same or a substantially similar application to the
354 Florida Schools of Excellence Commission or one of its
355 cosponsors. Any such applicant whose application is denied by the
356 commission or one of its cosponsors subsequent to its denial by
357 the district school board may exercise its right to appeal the
358 district school board's denial under paragraph (c) within 30 days
359 after receipt of the commission's or cosponsor's denial or
360 failure to act on the application. However, the applicant
361 forfeits its right to appeal under paragraph (c) if it fails to
362 submit its application to the commission or one of its cosponsors
363 by August 1 of the school year immediately following the district
364 school board's denial of the application.

365 (17) FUNDING.--Students enrolled in a charter school,
366 regardless of the sponsorship, shall be funded as if they are in
367 a basic program or a special program, the same as students
368 enrolled in other public schools in the school district. Funding
369 for a charter lab school shall be as provided in s. 1002.32.

370 (a) Each charter school shall report its student enrollment

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371 to the sponsor ~~district school board~~ as required in s. 1011.62,
372 and in accordance with the definitions in s. 1011.61. The sponsor
373 ~~district school board~~ shall include each charter school's
374 enrollment in the district's report of student enrollment. All
375 charter schools submitting student record information required by
376 the Department of Education shall comply with the Department of
377 Education's guidelines for electronic data formats for such data,
378 and all districts shall accept electronic data that complies with
379 the Department of Education's electronic format.

380 (18) FACILITIES.--

381 (f) To the extent that charter school facilities are
382 specifically created to mitigate the educational impact created
383 by the development of new residential dwelling units, pursuant to
384 subparagraph (2)(c)4., some of or all of the educational impact
385 fees required to be paid in connection with the new residential
386 dwelling units may be designated instead for the construction of
387 the charter school facilities that will mitigate the student
388 station impact. Such facilities shall be built to the State
389 Requirements for Educational Facilities and shall be owned by a
390 public or nonprofit entity. The sponsor ~~local school district~~
391 retains the right to monitor and inspect such facilities to
392 ensure compliance with the State Requirements for Educational
393 Facilities. If a facility ceases to be used for public
394 educational purposes, either the facility shall revert to the
395 sponsor ~~school district~~ subject to any debt owed on the facility,
396 or the owner of the facility shall have the option to refund all
397 educational impact fees utilized for the facility to the sponsor
398 ~~school district~~. The district and the owner of the facility may
399 contractually agree to another arrangement for the facilities if

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the facilities cease to be used for educational purposes. The owner of property planned or approved for new residential dwelling units and the entity levying educational impact fees shall enter into an agreement that designates the educational impact fees that will be allocated for the charter school student stations and that ensures the timely construction of the charter school student stations concurrent with the expected occupancy of the residential units. The application for use of educational impact fees shall include an approved charter school application. To assist the school district in forecasting student station needs, the entity levying the impact fees shall notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units.

Section 3. This act shall take effect July 1, 2006.